

Remarks

Reconsideration and allowance of this application, as amended, are respectfully requested.

The written description portion of the specification, claims 1-13, and the abstract of the disclosure have been amended. Method claims 14 and 15 have been canceled without prejudice or disclaimer. New claims 16-20 have been added. Claims 1-13 and 16-20 are now pending in the application. Claims 1 and 16 are independent. The rejections are respectfully submitted to be obviated in view of the amendments and remarks presented herein. No new matter has been introduced through the foregoing amendments.

The specification has been editorially amended for conformance with 37 CFR § 1.77(c), for consistency, and to correct any informalities. The abstract has been editorially amended for conformance with 37 CFR § 1.72(b). The claims have been amended to more fully comply with U.S. practice.

New claims 16-20 have been added to further define the scope of protection sought for Applicant's invention.

Entry of each of the amendments is respectfully requested.

35 U.S.C. § 102(b) – Carlsson '671

Claims 1-3 and 7-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by WO 01/87671 of Carlsson (hereinafter "Carlsson '671").

The rejection under § 102(b) based on Carlsson '671 is respectfully deemed to be obviated. The disclosure of Carlsson '671 does not anticipate Applicant's presently claimed invention.

One object of this invention is to improve the maneuverability of the impact attenuator. Accordingly, instant claim 1 defines an embodiment of the impact attenuator that includes, *inter alia*, a coupling part having "a damper for dampening at least a part of forces during a collision against the impact attenuator, a first end that is pivotably connectable to a single position on the vehicle, and a second end connected to the attenuating part, the impact attenuator being laterally movable relative to the vehicle both during transport and during operation." Support for the instant recitation is found, for example, in the paragraph bridging specification pages 2 and 3, and in Figures 1b and 1c, which show the pivotable connection of the coupling part's first end.

Carlsson '671 does not meet each feature of the presently claimed invention. Carlsson '671 discloses an impact attenuator that is rigidly connected to a vehicle, and during use acts as a rigid extension of the vehicle. Carlsson '671 teaches that the

connection must be rigid in order to achieve the desired impact protection. As a result of the rigid connection, Carlsson '671's device is not suitable to be used on roads with sharp turns, roundabouts, etc., as its maneuverability is limited.

However, by virtue of its claimed structural features, Applicant's impact attenuator not only provides the desired level of impact protection, but is maneuverable as well. The aforementioned desirable result is achieved by connecting the impact attenuator pivotably in a single position to the vehicle via the coupling.

Since Carlsson '671 does not meet each feature of the presently claimed invention, Carlsson '671 does not anticipate the invention defined by Applicant's claim 1. Claims 2, 3, and 7-15 are allowable because they depend, either directly or indirectly, from claim 1, and for the subject matter recited therein.

35 U.S.C. § 103(a) - Carlsson '671, Albertini, and Mercier or Kornhauser

Claims 4-6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Carlsson '671 in view of U.S. Patent No. 6,279,973 to Albertini et al. ("Albertini") and U.S. Patent No. 3,822,076 to Mercier et al. ("Mercier") or U.S. Patent No. 3,971,583 to Kornhauser.

The rejection of claims 4-6 under § 103(a) based on Carlsson '671, Albertini, and Mercier or Kornhauser is also

respectfully deemed to be obviated. Claims 4-6 all depend, either directly or indirectly, from claim 1. Claim 1 is allowable over Carlsson '671 for at least the reasons explained above. The disclosures of Albertini and Mercier or Kornhauser add nothing that would rectify any of the above-described deficiencies of Carlsson '671. Accordingly, claims 4-6 are allowable because they depend from claim 1, and for the subject matter recited therein.

New claims 16-20 have been added to further define the scope of protection sought for Applicant's invention. New claims 16-20 are also allowable. New independent claim 16 defines an impact attenuator that includes at least the features discussed above with respect to the rejection over Carlsson '671. And, claim 16 defines an embodiment of the invention in which "the damper [is] configured to absorb the collision forces up to a predetermined pressure, and the attenuating part [is] configured to absorb a remainder of the collision forces." Accordingly, the cited references neither anticipate nor would have rendered obvious the device defined by claim 16. Claims 17-20 are allowable because they depend from claim 16, and for the subject matter recited therein.

In view of the foregoing, this application is now in condition for allowance. If the examiner believes that an

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interview might expedite prosecution, the examiner is invited to contact the undersigned.

Respectfully submitted,

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